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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,571	01/29/2004	Suryanarayana Murthy Gorty	ID839/80237	6197
27975	7590	09/09/2005	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			HU, JINSONG	
		ART UNIT		PAPER NUMBER
		2154		

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Application No.</b>	<b>10/767,571</b>	<b>Applicant(s)</b>	
	<b>Jinsong Hu</b>	<b>GORTY ET AL.</b>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### **Status**

1) Responsive to communication(s) filed on 16 June 2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### **Disposition of Claims**

4) Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-33 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### **Attachment(s)**

<p>1)<input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)          Paper No(s)/Mail Date _____.</p>	<p>4)<input type="checkbox"/> Interview Summary (PTO-413)          Paper No(s)/Mail Date. _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>
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**DETAILED ACTION**

1. Claims 1-33 are presented for examination.
2. The affidavit filed on 6/16/05 under 37 CFR 1.131 has been considered but is ineffective to overcome the Tosey reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Tosey reference.

On the page 2, paragraph 4 of affidavit, applicant indicates the invention had been reduced to practice before August 7, 2003, but applicant fails to provide the details of how to reduce the invention concepts to practice. Furthermore, refer to Exhibit 1, it does not provide all the information which applicant discloses in the claims, such as retrieving a webpage by polling agent in claim 4.

On the page 2, paragraph 7 of affidavit, applicant indicates Exhibit 1 has some redacted dates, but applicant does not state that the redacted dates are prior to August 7, 2003.

Accordingly, the affidavit is ineffective to overcome the Tosey reference.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Tosey (US 2005/0039048).

5. As per claim 1, Tosey teaches the invention as claimed including a communications system comprising:

a polling agent for polling an electronic mailbox to retrieve unique identifiers (UID's) of electronic messages (Fig. 2; 512, Fig. 5; 610, Fig. 5; [0004]; [0007]; [0023]; col. 4, lines 1-5 of claim 1); and

a database for storing the UID's resulting from the polling ([0025], i.e., the record of most recently received mails), wherein the polling agent is operative for polling the electronic mailbox and retrieving only those UID's that are newer than the UID's from a previous polling to determine that new messages are available ([0010]; [0026] - [0027]; [0031] – [0033]).

6. As per claims 2 and 3, Tosey teaches the polling agent is operative for issuing a single command for obtaining the total number of electronic messages ([0025]).
7. As per claim 4, Tosey teaches the polling agent is operative for retrieving a web page that contains a list of most recent messages retrieved within the electronic mailbox ([0031]).
8. As per claim 5, Tosey teaches the polling agent is operative for shortening a polling interval of an electronic mailbox when there is activity within an electronic mailbox to provide electronic mail to a user in near real-time ([0031] – [0033]; i.e., polling frequency is adjustable).
9. As per claim 6, Tosey teaches the polling agent is operative for issuing a command for a unique identifier listing (UIDL) to determine the UID's of messages on a mail server ([0025], lines 7-11).
10. As per claim 7, Tosey teaches the invention as claimed in claim 1. Tosey also teaches a wireless communication device having a mail agent (124, Fig. 1).
11. As per claims 8 and 9, Tosey teaches the mail user agent is operative for accessing the mobile office platform using a POP, IMAP or webmail protocol ([0002] – [0003]).

12. As per claims 10 and 11, Tosey teaches the polling agent is operative for issuing a single command for obtaining the total number of electronic messages ([0025]).
13. As per claim 12, Tosey teaches the polling agent is operative for retrieving a webpage that contains a list of most recent messages retrieved within the electronic mailbox ([0031]).
14. As per claim 13, Tosey teaches the polling agent is operative for shortening a polling interval of an electronic mailbox when there is recent activity within an electronic mailbox to provide electronic mail to a user in near real-time ([0021] – [0033]).
15. As per claim 14, Tosey teaches the polling agent is operative for issuing a command for a unique identifies- listing (UIDL) to determine the UID's of messages on a mail server ([0025], lines 7-11).
16. As per claims 15-24, since they are method claims of claims 1-6, they are rejected under the same basis as claims 1-6 above.
17. As per claims 25-33, since they teach the same limitations as claims 1-6, they are rejected for the same basis as claims 1-6 above.

***Conclusion***

18. Applicant's arguments filed on 6/16/05 for claims 1-33 have been fully considered but they are not deemed to be persuasive. See paragraph 2 of this Office Action for details.
19. THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
20. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

September 2, 2005

  
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